

**RULES
OF
THE TENNESSEE PEACE OFFICER STANDARDS
AND TRAINING COMMISSION**

**CHAPTER 1110-2
CERTIFICATION**

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1110-2-.01 PERSONS REQUIRED TO BE CERTIFIED.

- (1) All persons, who are employed as full-time law enforcement officers on or after July 1, 1982, shall comply with the pre-employment standards and meet the Basic Law Enforcement Training requirements before being certified as law enforcement officers.
- (2) All presently uncertified persons who were employed as a law enforcement officer prior to July 1, 1982, are exempt from the pre-employment and basic training requirements; however, they cannot be certified unless they meet the pre-employment and basic training requirements.

Authority: T.C.A. §38-8-105. **Administrative History:** Original rule filed December 20, 1982; effective January 19, 1983. Amendment filed April 19, 2002; effective August 28, 2002.

1110-2-.02 FAILURE TO COMPLY. Any person who shall appoint any applicant who to the knowledge of the appointor fails to meet the minimum standards as set forth herein or required by the Commission, and any person who signs the warrant or check for the payment of the salary of any person who to the knowledge of the signer fails to meet the qualifications as a police officer as provided herein or required by the Commission, shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not exceeding one thousand dollars (\$1,000).

Authority: T.C.A. §38-8-105. **Administrative History:** Original rule filed December 20, 1982; effective January 19, 1983.

1110-2-.03 LAW ENFORCEMENT OFFICER CERTIFICATION REQUIREMENTS. All full-time commissioned law enforcement officers employed by an agency required to meet minimum standards must meet preemployment requirements and, upon completion of the required basic training, will be issued a POST Certification.

- (1) Full-time Commissioned Law Enforcement Officer Pre-employment Requirements. The Commission shall issue a certificate of compliance to any person who meets the qualifications for employment and satisfactorily completes a POST certified Basic Law Enforcement Training Academy. All persons employed as a full-time law enforcement officer, after July 1, 1982, must be certified by POST and shall comply with the following pre-employment requirements:
 - (a) Be at least eighteen (18) years of age;
 - (b) Be a citizen of the United States;
 - (c) Be a high school graduate or possess equivalence. No waivers will be granted for minimum education requirements;
 - (d) Not have been convicted of or pleaded guilty to or entered a plea of nolo contendere to any felony charge or to any violation of any federal or state laws or city ordinances relating to force, violence, theft, dishonesty, gambling, liquor or controlled substances;

(Rule 1110-2-.03, continued)

1. The commission may consider a waiver from pre-employment requirements for a person who has been convicted of, or entered a plea of nolo contendere to any violation of any federal or state laws or city ordinances (excluding felony charges) relating to force, violence, theft, dishonesty, gambling, liquor (including driving while intoxicated), or controlled substances when the offense was classed as a misdemeanor.
 2. No waiver shall be granted while officer is under the jurisdiction of the court or considered on probation, whether supervised or unsupervised, and in the case of "driving while intoxicated" the officer shall have met all the requirements of the Tennessee Department of Safety and have been restored his/her permanent driving privileges under the laws of the State of Tennessee.
 3. A person who has had misdemeanor charges expunged may be considered for certification. It is the responsibility of the officer and employing agency to present information and court documents relating to expungement to the Commission.
 4. No waiver will be granted for felony convictions or a narcotics violation that could result in a felony charge.
 5. The agency must present a written request for waiver for these charges and provide a copy of the final court disposition of the case.
- (e) Not have been released or discharged under any other than honorable discharge from any of the armed forces of the United States;
 - (f) Have his fingerprints on file with the Tennessee Bureau of Investigation;
 - (g) Have passed a physical examination by a licensed physician;
 - (h) Have good moral character as determined by a thorough investigation conducted by the employing agency; and
 - (i) Have been certified by a Tennessee Licensed Health Care Provider qualified in the psychiatric or psychological fields as being free from any disorder, as set forth in the current edition of the DSM, that would, in the professional judgment of the examiner, impair the subject's ability to perform any essential function of the job.
1. No waiver will be granted for mental disorders.
- (2) Sheriffs' Compliance Requirements. Effective July 1, 1993, any sheriff meeting the requirements for training set forth in T.C.A. §38-8-111(f), shall be issued a Sheriff Certificate of Compliance in the manner in which it issues law enforcement officer's certificate of compliance. To apply for training, a sheriff shall give written notice to the Commissioner that the sheriff is exercising the option to receive training. The sheriff shall attach to the notice an affidavit, sworn to and signed by the sheriff, certifying that the sheriff qualifies for training by meeting each of the requirements set forth in this paragraph. To qualify for training, a sheriff must:
 - (a) Be at least twenty-five (25) years of age;
 - (b) Be a citizen of the United States;
 - (c) Be a high school graduate or possess equivalence;
 - (d) Have a good moral character;

(Rule 1110-2-.03, continued)

- (e) Not have been convicted by a court of the United States, the State of Tennessee, or any state or territory of the United States of an offense that was a felony;
 - (f) Not have been released or discharged from the Armed Forces of the United States with any discharge other than an honorable discharge;
 - (g) Have caused his fingerprints to be filed with the Tennessee Bureau of Investigation;
 - (h) Have been examined by a physician licensed to practice in the State of Tennessee who has certified that in the physician's opinion, the sheriff is physically fit to participate in the training;
 - (i) Have been certified by a qualified professional in the psychiatric or psychological fields to be free of all apparent mental disorders as described in the Diagnostic and Statistical Manual of Mental Disorder, Third Edition (DSM-III), or its successor, of the American Psychiatric Association.
- (3) Training Requirements. Any officer seeking certification under these rules who conforms to pre-employment requirements shall, within six months of initial employment as a law enforcement officer, satisfactorily complete the Basic Law Enforcement Course as established in accordance with these rules. During this initial six-month period prior to attending the Basic Law Enforcement Course, the recruit must be paired with a Field Training Officer or other certified senior officer.

Commencing July 1, 1982, any time served as a full-time commissioned law enforcement officer in any Tennessee law enforcement agency is accumulative and will count as part of the six-month time limit.

- (4) Application Requirement. No officer shall be certified under these rules unless application is made at such time and in such form as the Commission may require (T.C.A. §38-8-104).

If after enrolling in an academy an officer does not successfully complete basic police training, he/she must return to the same academy under the following circumstances:

- (a) to make up any portion not successfully completed.
 - (b) if dropped for academic or disciplinary reason.
 - (c) in the event an officer fails to successfully complete basic police training after returning for makeup he/she must retake the entire school.
- (5) Verification Requirement. No officer shall be certified under these rules unless (T.C.A. §38-8-104):
- (a) The law enforcement agency employing said officer when the Basic Law Enforcement Course is begun shall submit, at such time and in such form as the Commission may require, verification that the officer (at the time the officer was employed) met the pre-employment requirements set forth in this chapter.
 - (b) The Director of the Academy where said officer satisfactorily completed Basic Law Enforcement School, established in accordance with these rules, shall submit verification, in such form as the Commission may require, that the officer has met the Basic Training requirements set forth in this chapter.
 - (c) The Commission may certify any person who has received training in another state when the Commission has determined that such training was at least equivalent to that required by the Commission for approved law enforcement education and training programs in this state and

(Rule 1110-2-.03, continued)

when such person has satisfactorily complied with all other requirements (T.C.A. §38-8-107). Established criteria shall be that which governs the requirements set forth for completion of the Basic Law Enforcement Recruit School, as outlined in Chapter 7 of POST Rules.

1. Any person whose basic training from another state has been substituted for Tennessee requirements must take the POST Certification Test within thirty (30) days of his date of employment. A passing grade of 75% must be obtained. If the officer does not pass, he/she may retake the test within thirty (30) days of the first attempt. If a passing grade is not obtained on the second attempt, the officer is required to attend an approved basic law enforcement school in order to qualify for certification.
- (6) Substitution of Experience. No officer shall be certified under these rules unless:
- (a) The law enforcement agency employing said officer shall submit an Application for Certification, Confirmation of Psychological Examination, and Confirmation of Physical Examination, to verify that all preemployment requirements have been met.
 - (b) The officer must have ten (10) years of law enforcement experience after July 1, 1970, and must have no longer than a five (5) year break in service.
 - (c) Any person applying for substitution of experience must take the POST Certification Test within thirty (30) days of his date of employment. A passing score of 75% must be obtained. If the officer does not pass, he/she may retake the test within thirty (30) days of the first attempt. If a passing grade is not obtained on the second attempt, the officer is required to attend an approved basic law enforcement school in order to qualify for certification.
- (7) Break in Full-Time Law Enforcement Service.
- (a) Certified officers who have had a five-year break, but less than a ten-year break in full-time law enforcement service must take the POST Certification Test before their certification is reinstated. Officers with over a ten-year break in full-time law enforcement service may be required to attend a Basic Law Enforcement Academy upon review by the POST Commission.
 - (b) Officers who were certified under the Grandfather Clause of July 1, 1970, and have attended an approved basic law enforcement school, must take the POST Certification Test if they have a five-year break in full-time service.
 - (c) Officers who were certified under the Grandfather Clause of July 1, 1970, and have not attended an approved basic law enforcement school, lose their grandfathered status if they have a break in service. However, these officers may apply for certification if they have had ten years of full-time experience since July 1, 1970, and have had no longer than a five-year break in service. They are required to take the POST Certification Test.
- These officers may separate directly from one law enforcement agency and be employed as a full-time law enforcement officer by another law enforcement agency with no loss of certification as long as there is no break in service.
- (d) Officers who have attended an approved basic law enforcement school and who were not required to be certified at that time, may apply for certification based on this training. These officers must also take the POST Certification Test to qualify for certification. The POST test is not required if the officer is employed full time by a law enforcement agency within a year of the date of completion of the basic law enforcement school.

Authority: T.C.A. §§38-8-104, 38-8-105, 38-8-106, 38-8-107, 38-8-111, and 38-8-111(f). **Administrative History:** Original rule filed December 20, 1982; effective January 19, 1983. Amendment filed January 28, 1986; effective

(Rule 1110-2-.03, continued)

April 15, 1986. Amendment filed September 17, 1987; effective December 29, 1987. Amendment filed January 6, 1989; effective May, 1, 1989. Amendment filed November 13, 1989; effective February 28, 1990. Amendment filed August 4, 1992; effective November 29, 1992. Amendment filed October 25, 1993; effective March 1, 1994. Amendment filed April 19, 2002; effective August 28, 2002.

1110-2-.04 DENIAL SUSPENSION, AND REVOCATION OF CERTIFICATION.

- (1) Denial of Certification. The Commission shall deny certification to any officer required to comply with the certification provisions of this Chapter who fails to do so. The Commission may deny certification to any officer supplying false information or acquiescing to false information being supplied to the Commission regarding eligibility for certification (T.C.A. §§38-8-104 and 38-8-105).
- (2) Suspension or Revocation of Certification. Complaints received by POST Commission are to be documented and if allegations are warranted, the proper investigating authority will be notified, and the proper action taken (T.C.A. §§38-8-104(b)).
 - (a) Grounds for Suspension or Revocation. The Commission may suspend or revoke the certification of any officer who shall, subsequent to certification under these Rules:
 1. Be convicted by any state or by federal government of any crime the punishment for which could have been imprisonment in a federal or state prison or institution; or
 2. Be convicted of or plead guilty or enter a plea of nolo contendere to any felony charge or to any violation of any federal or state laws or city ordinances relating to force, violence, theft, dishonesty, gambling, liquor, controlled substances, or a sufficient number of misdemeanors to establish a pattern of disregard for the law.
 3. Be suspended for thirty (30) days or longer or discharged by his employing law enforcement agency for disciplinary reasons; or
 4. Be found to have supplied or acquiesced in false information being supplied to the Commission regarding eligibility for certification ; or
 5. Fail to participate in a 40 hour in-service training program each calendar year
 - (b) Notification Required. Law enforcement agencies suspending for thirty (30) days or longer, or discharging certified law enforcement officers for disciplinary reasons, shall inform the Commission within ten (10) days.
- (3) Notice of Denial, Suspension , or Revocation (T.C.A. §§38-8-104 and 38-8-105).
 - (a) Notice of Denial. The Commission shall, within thirty (30) days after denying an application for certification, serve written notice upon an affected officer and his employing agency, by mail, specifying the reasons for denial of the application.
 - (b) Notice of Suspension or Revocation. The Commission shall, within ten (10) days of suspending or revoking certification, serve notice upon an affected officer, in person or by certified mail, and upon the law enforcement agency employing said officer, by certified mail, specifying the action taken and remedies available. The Commission shall stay final action until the period for requesting a hearing expires.
 - (c) Notice for Final Action. The Commission shall notify the officer and the law enforcement agency involved by certified mail of the final action regarding suspension or revocation

(Rule 1110-2-.04, continued)

- (4) Suspension or Revocation Hearing (T.C.A. §§ 38-8-105 and 38-8-106). Any law enforcement officer whose certification has been suspended or revoked may, within thirty (30) days of receipt of notice served by the Commission, request by certified mail, a hearing which shall be granted by the Commission. Upon receipt of such request, the Commission shall set a date, time, and place for hearing within thirty (30) days and serve notice, by certified mail, upon the affected law enforcement officer. The affected officer may be represented by counsel. In the absence of request for hearing, suspension or revocation shall, without further proceedings, become final thirty (30) days after the initial notice called for in this Chapter.
 - (a) Hearing Committee. The Sub-Committee shall serve as the Commission's authorized representative for conduction such hearings
 - (b) Final Commission Review. In the event of an adverse decision, said law enforcement officer may, within thirty (30) days of the initial decision, request final Commission review.
 - (c) Final Decision After Request for Hearing. The Commission shall render a final decision with thirty (30) days.
- (5) Judicial Review
- (6) Any and all documents which evidence certification under these Rules are the exclusive property of the Commission and shall be surrendered upon demand pursuant to the proceedings under these Rules (T.C.A. §§38-8-104 and 38-8-105).
- (7) Reapplication after Denial. Any officer denied certification for failure to meet pre-employment requirements may reapply at such time as the requirements are met. Officers denied certification for failure to meet the Basic Law Enforcement training requirements may reapply after satisfactory completion of the training called for by these Rules (T.C.A. §§38-8-104 and 38-8-105).
- (8) Reinstatement after suspension. Any officer whose certification is suspended in accordance with these Rules may upon expiration of the period of suspension, petition the Commission for reinstatement (T.C.A. §§38-8-104 and 38-8-105).

Authority: T.C.A. §§38-8-104(b), 38-8-105, and 38-8-106. **Administrative History:** Original rule filed December 20, 1982; effective January 19, 1983. Amendment filed January 6, 1989; effective May 1, 1989. Amendment filed April 19, 2002; effective August 28, 2002.